

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ISRAEL SANTIAGO-LUGO,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 99-1504 (JAF)

(Crim. No. 95-0029-01 (JAF))

MEMORANDUM ORDER

Petitioner, Israel Santiago-Lugo, moves under Federal Rule of Civil Procedure 60(b)(6) for reconsideration of our denial of his petition for relief from a federal court conviction pursuant to 28 U.S.C. § 2255. (Docket No. 50.) He requests an order to vacate, set aside, or correct the sentence imposed in Cr. No. 95-029-01. (Cr. No. 95-029-01, at Docket No. 1164.)

We previously denied Petitioner's request for a writ of habeas corpus under 28 U.S.C. § 2255 in an opinion and order dated June 26, 2000. (Docket No. 24.) On January 25, 2001, we denied his first and second motions for reconsideration. (Docket Nos. 35, 63.) Petitioner then moved for relief under Fed. R. Civ. P. 60(b), which we denied, (Docket No. 76), along with his motion for reconsideration of the denial. (Docket No. 83.). The First Circuit affirmed our denial of Petitioner's motion under Rule 60(b), (Docket No. 93), because the court held that "the factual predicate set forth in ... the motion constitutes a direct challenge to the constitutionality of the underlying conviction," making it an improper second or successive 2255 petition. (citing Munoz v. United States, 331 F.3d 151, 152-53 (1st Cir 2003)). Additionally, the First Circuit held that even if the motion could be adjudicated under Rule 60(b), it would be untimely. (Id.)

